

**CITY OF TIGARD
PLANNING COMMISSION
Draft Meeting Minutes
May 18, 2015**

CALL TO ORDER

President Rogers called the meeting to order at 7:01 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Rogers
Vice President Fitzgerald
Alt. Commissioner Enloe
Commissioner Feeney
Commissioner Lieuallen
Commissioner Middaugh
Commissioner Schmidt

Absent: Alt. Commissioner Mooney; Commissioner Muldoon; Commissioner Smith

Staff Present: Tom McGuire, Assistant Community Development Director; John Floyd, Associate Planner; Monica Bilodeau, Associate Planner; Doreen Laughlin, Executive Assistant; Greg Berry, Kim McMillan, Lina Smith

COMMUNICATIONS – None.

CONSIDER MINUTES

May 4 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the May 4 minutes; there being none, Rogers declared the minutes approved as submitted.

OPEN PUBLIC HEARING

PUBLIC HEARING

**POLYGON AT SOUTH RIVER TERRACE PLANNED DEVELOPMENT - PDR2015-00003
SUB2015-00005; SLR2015-00002**

REQUEST: The applicant requests a 190-unit single family residential planned development with concurrent concept and detailed plan review, subdivision review, and sensitive lands review on a 27.25 acre site. The proposed development will include 127 detached single- family homes and 63 attached row homes **APPLICANT:** Polygon Northwest Company **ZONE/COMP PLAN**

DESIGNATION R-7: medium-density residential district; R-12: medium-density residential district; River Terrace Plan District.

LOCATION: South of Bull Mountain Road and east of Roy Rogers. Washington County Tax Map 2S1070, Tax Lots 1300, 1302, 1303, 1305, 1900, 2000

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.350, 18.390, 18.430, 18.510, 18.660, 18.705, 18.715, 18.725, 18.745, 18.765, 18.775, 18.785, 18.790, 18.795 and 18.810

QUASI-JUDICIAL HEARING STATEMENTS

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; there were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: Feeney, Rogers, Fitzgerald, Middaugh, Schmidt had made site visits. No one in the audience wished to challenge the jurisdiction of the commission.

STAFF REPORT

Associate Planner, Monica Bilodeau introduced herself and the proposal. She noted that it's a 190-unit single family residential development, 127 detached units – 63 attached – on 27.25 acres just south of Bull Mountain Road. Several community amenities and major infrastructure improvements are proposed. Fred Gast and his team at Pacific Community Design will go into further detail on the proposal and design.

STAFF RECOMMENDATION

Staff has thoroughly reviewed the proposed plans and recommends two actions:

1. In favor of the Concept Plan Map.
2. In favor of the proposed Detailed Planned Development Map, Subdivision, and Sensitive Lands Review.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Fitzgerald pointed out that page 20 of the staff report, 18.430.040 Subdivisions Section A.3 states “The Future Street Plan demonstrates that streets internal to the proposed subdivision are laid out to conform with the existing subdivision to the east and the existing road pattern. This criterion is not met.” Commissioner Fitzgerald asked whether that was the case and that the criterion is *not* met, or whether that was a typo. Monica noted that the criterion actually *is* met and that was a typo.

APPLICANT'S PRESENTATION

Jim Lange with Pacific Community Design thanked staff for the hard work and effort they'd expended on this. He said the Concept Plan created a great framework. He went over a PowerPoint presentation (**Exhibit A**). He went over the logistics of the project – the location, the roads, the pump stations, water lines, density, etc. He noted the diversity of the subdivision – there will be row homes, alley loaded homes, and a mixture of standard, medium and large homes. He showed some photos of the different architectural designs – English, Craftsman and French styles. He reminded the commission that this is the third project they're doing in this area. He said they will all be interconnected by several things. There will be a series of neighborhood parks and that this particular project has one of those parks on it; that neighborhood park and the open space totals about 18 acres. He noted there would be a swim center that would serve this area. There are about 1 ½ miles of new infrastructure roads.

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

PUBLIC HEARING – CLOSED

No further testimony or questions from the audience are allowed.

DELIBERATION

Commissioner Fitzgerald had no concerns, she said it was following along what had already been seen from previous submittals by this developer. It's meeting the intent of what they want in River Terrace. She just wanted the commissioners to note that there was a typo in the findings of the staff report and that should be addressed if a motion is made.

Commissioner Feeney believes they're creating a neighborhood with the diversity they want. He commends the applicant and the city for coming together on this.

President Rogers – Hats off to all the developers and particularly to this developer as they have taken on the vision of not only council and staff, but the public. There's been huge public outreach with this – the neighbors were brought in at various times. This developer has done a good job of capturing their vision. Moreover, the new vision the city has about walk-ability within the city and "Interconnected Tigard" – they've done a very good job with capturing that.

CONCEPT PLAN MOTION

President Rogers asked if there was a motion on the Concept Plan:

Commissioner Fitzgerald made a motion on the Concept Plan: "I move for approval of application PDR2015-00003 and the adoption of the findings and conditions of approval contained in the staff report."

Motion was seconded by **Commissioner Feeney**.

There was a vote - **All in favor – none opposed – no abstentions.**

CONCEPT PLAN MOTION PASSES UNANIMOUSLY

DETAILED PLAN MOTION

President Rogers asked if there was a motion on the Detailed Plan.

Commissioner Fitzgerald made a motion on the Detailed Plan: I move for approval of application SUB2015-00005 & SLR2015-00002 and the adoption of the findings and the conditions of approval contained in the staff report with the modification to the Subdivision language in 18.430.040 A.3 - that the staff note needs to be changed to read "met" instead of "not met" [Due to typo].

Motion was seconded by **Commissioner Schmidt**.

There was a vote - **All in favor - none opposed – no abstentions.**

MOTION PASSES

OPEN PUBLIC HEARING

HERITAGE CROSSING ZONE CHANGE AND SUBDIVISION - ZON2015-00002/SUB2015-00001/VAR2015-00001

REQUEST: The applicant is requesting a concurrent Zone Change, Subdivision, and Special Adjustment to street standards to develop approximately 9.10 acres located at 15435 SW Hall Boulevard. The zone change would be a quasi-judicial map amendment from R-12 (existing) to R-7 (proposed), with no associated change to the Comprehensive Plan Map designation of Medium Density Residential. The subdivision would result in the creation of 53 lots intended for single-family residential style development, and an associated water quality tract. The special adjustment requests an alternate street section to match existing streets that adjoin the property. **APPLICANT:** Venture Properties **LOCATION:** 15435 SW Hall Blvd. Washington County Tax Map 2S111DA, Tax Lot 00400 **CURRENT ZONE:** R-12 medium-density residential district. **PROPOSED ZONE:** R-7: medium-density residential district. **APPLICABLE REVIEW CRITERIA:** Community Development Code Chapters 18.370.020.C.9, 18.380.030.C, and 18.430.040.A; and Metro Urban Growth Management Functional Plan Title 1

QUASI-JUDICIAL HEARING STATEMENTS

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; there were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: Commissioner Feeney noted that he has worked in the past in the same firm as Ms. Doukas. He noted also that their firms are working together on a separate project – not in the City of Tigard. Also he works with Mike Robinson (their land-use attorney) on projects together – but not in the City of Tigard. He stated that this will not impair his decision making ability. Commissioner Fitzgerald noted that Ms. Doukas is known to her from their joint meetings between the City of Tigard and the City of Beaverton with their involvement on the Planning Commission. She believes this will not make her biased. Site visitations: Commissioners Enloe, Feeney, Fitzgerald, Middaugh, and Schmidt had made site visits. No one in the audience wished to challenge the jurisdiction of the commission.

STAFF REPORT

Associate Planner, John Floyd, presented the staff report on Heritage Crossing. (Staff reports are available online one week before the hearing). He went over a PowerPoint presentation (**Exhibit B**). He noted staff is recommending denial because the application does not meet the approval criteria for a quasi-judicial zone change.

The subdivision is proposed to be built to R-7 standards; it cannot be approved without a concurrent zone change - otherwise it would not meet our minimum density requirements for the current zone.

The Tigard Development Code specifies three approval criteria for a quasi-judicial zone change: The first bullet represents the criteria – the second bullet represents staff's response.

- ❖ Compliance with Tigard Comprehensive Plan
 - The staff report details how the applicant has not sufficiently addressed the criteria pertaining to Goal 2 land use, Goal 6 – environmental quality, Goal 10 housing, and Goal 12 transportation. The proposal to downzone is inconsistent with city goals for housing types, transportation system development, etc.

- ❖ Compliance with other applicable ordinances and requirements (Tigard Development Code, Metro Urban Growth Management Functional Plan)
 - Metro and staff found the application inconsistent with the Functional Plan – specifically approval criteria for a reduction of density along Metro designated corridors. Staff does not find it consistent in that it's not just a matter of a reduction of housing units – it's also a reduction of the available housing type. The R-12 zone allows multi-family housing and it's easier to develop attached housing under R-12 than it is under R-7. So by going to R-7, potential housing types are precluded.
- ❖ Evidence of 1 of 2) Mistake or inconsistency in zoning map.
 - The staff report details the zoning history and in the attachments there are clear ordinances adopting the R-12 zone on this property in 1983. So it is not a mistake in the designation of R-12 itself.
 - 2 of 2) change in community or neighborhood
 - Pages 6 – 9 relate to what actually has changed. In 1983 there were a number of factors that caused the city to assign the R12 designation to this property. Things like topography, natural features, - at the time these were undeveloped parcels. They are relatively unconstrained. That situation has not changed for the site. It's still flat and relatively unconstrained. Also these parcels were adjacent to transportation infrastructure; that still exists today – Hall Blvd back then was used as an arterial – today it still is. Location criterion has not changed. It's also the distance of the site from neighborhood services and commercial centers as well. The school locations are still present, as well as Cook Park – which is also nearby. Those factors have not changed.

The applicant has to satisfy all three criterion. It's not a matter of pick one or pick two – it's all three. If the Planning Commission finds they don't meet any one of those three, the application must be denied.

John noted that – looking longer term – and more of a policy issue in terms of this – the Planning Commission may want to be careful in terms of setting a precedent of not allowing different housing types next to each other. In terms of future development – if attached single family & multi-family is inherently at conflict with detached, it would be a serious hindrance to the city achieving housing goals across the city; something to consider.

STAFF RECOMMENDATION

As detailed in the staff report and supplemental information provided, the application does not meet the three approval criteria for a zone change – and the application cannot be conditioned to meet those criteria. So, as such, we recommend the planning commission deny the zone change and with that – deny the subdivision.

As a background issue, the staff wants to communicate to the Planning Commission that we have consistently told the applicant that staff has concerns about this proposal. That goes all the way back to the pre-application conference in September. This is not a situation where staff is surprising the applicant. This is something that's been on the table since September.

QUESTIONS

You've given a good history since 1983 of the initial land use designation. In any Comp Plan updates or anything since '83 to now, has the city or anybody raised this site as being a different zone – be it an R-7 or anything like that? Offhand I couldn't tell you for

certain; however, I don't recall any. There may have been some pre-applications in the past but I don't believe there are any actual applications to change it. The city also did a Comprehensive Plan update a few years ago and the Comprehensive Plan map and zoning map were not changed as part of that update. So the zoning has been consistent since then. I'm not aware of any official consideration other than perhaps a pre-application conference. We don't maintain long-term records about pre-apps.

APPLICANT'S PRESENTATION

Mimi Doukas of AKS Engineering went over a PowerPoint presentation (**Exhibit C**). She disagreed with staff's assertion that there is no evidence of change in the community citing the following changes:

Substantial Changes Since 1983

- Rezone of land to the south from R-12 to R-7
- Rezone of land to the north from R-12 to R-7
- Rezone of land to the west from R-4.5 to R-7
- Build-out of most of the corridor between 1983 and 1998
- Establishment of minimum density provisions in 1998

Ms. Doukas said there was an acknowledged mistake in their decision making in the Sattler Zone Change - [Applicant's Exhibit O - shown in minutes as **Exhibit D**.]

She said, "We've provided a buildable land inventory – we relied on the 2010 Johnson Gardner report which was adopted by the city; as a foundation we updated that for the 2014 land inventory. We laid on top of that the River Terrace new inventory that came on line; then we talked about what this zone change would do to the ultimate capacity. That's all outlined in that buildable land inventory included in the application. The short story is that there is excess capacity for both R-7 and R-12 lands within the city. Actually, you now have excess capacity in all residential zones. We also need to talk about – 'What is the right mix of attached housing versus detached housing?' Staff has said there's more to the conversation than just attached and detached - but that is part of the conversation. So Johnson Gardner identified that from 2000 to 2010 housing demand was 64% for detached housing. Moving forward, they identified a demand of 53.4% for detached housing. Your land inventory provides for 56% detached housing – so it's very close.

When talking 'type,' the 2010 Johnson Gardner Goal 10 report identified 64% of demand is for detached housing and 36% attached. Inventory provided 53% detached and 47% attached. With approval of River Terrace, Tigard's inventory became 56% detached and 44% attached. This application reduces the total density by 51 units and changes the percentage by an insignificant amount so even with this zone change you still have a 56% capacity of detached housing."

Ms. Doukas then spoke to the applicable Comprehensive Plan policies:

- Compatibility
 - Policy 6.1.3: The city shall promote land use patterns which reduce dependency on the automobile, are **compatible with existing neighborhoods**, and increase opportunities for walking, biking, and/or public transit.

- Policy 10.1.1: The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, **preferences**, and financial capabilities of Tigard’s **present** and future residents.
- Policy 10.2.7: The City shall ensure that **residential densities are appropriately related to locational characteristics** and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, **and the existing land use pattern.**
- Unique site configuration with street stub locations
- Existing lots to the north and west are only 60-66 feet deep
- Compatibility standards require a 30 foot setback where the property abuts lower density, which is north, south, and west. This standard acknowledges the incompatibility of the uses and proposes the setback as mitigation.
- Cannot reasonably meet minimum density with detached homes.
- In this case, the mitigation extends to three boundaries and uses 24,180 SF of the property.
- With the street stub locations, and the design standards for attached housing, parking would be located next to existing homes.
- R-12 density doubles the number of units on the property (53 vs 111).

She went on to talk about two possible alternate plans and how they wouldn’t meet density requirements and how the awkwardness of the property factors in. The design standards require that the buildings need to be placed against the street and parking needs to be placed in the rear. In this particular piece of property it means that the property and service areas and trash dumpsters and the lighting will all be adjacent to the existing homes – which is not a good site planning situation – it’s not good for compatibility – and it’s the opposite of what you’d want to try to accomplish in a piece of property like this. With the shallow lots to the north and to the west – that’s a fairly intense relationship.

She spoke about locating higher densities adjacent to city services. She showed a slide with a red circle that is approximately a half-mile circle from the property (as far as most people would want to walk). She showed a handful of parks shown in green. There are schools but the only commercial service is a small store and coffee shop at the corner. There is some low intensity industrial land to the south and further to the east. So it is not a highly serviced piece of property. It is on a transit line but there’s not much around it. It is really a residential neighborhood. So, yes it has transit, but it’s through transit – it’s not really service transit.

At this point Land-Use Attorney Mike Robinson (on behalf of Venture Properties) from Perkins Coie came up to address the commission. In response to the staff report, Attorney Robinson noted to the commissioners that local governments simply don’t set precedent in quasi-judicial decisions. Each application that comes to you is individualized so to speak. You make that decision based on the facts as you apply the law to those facts. So even if you decide (and we hope you do tonight) that R-12 is the wrong zone for this property – that’s not going to compel you to make a similar finding in another case – because the facts may be different. I appreciate staff raising that issue – I think it’s an important issue to raise, but my professional opinion – you’re not setting a precedent for either yourself, your City Council, or your staff. Secondly – regarding the TriMet Service Enhancement Program. We appreciate staff writing that

information, but I know it's not final – it may be adopted. Even if it is adopted, remember TriMet Service is a function of funding. When they don't have funding, they cut back the service. So while we understand the need in Oregon especially because of the TPR to tie land use to transportation, I think it's always a little bit difficult to assume the level of transit service you have now or in the future is going to be there. He went on to talk about some other policies and summed up that the commission is not bound to deny the application. They can find that the relevant Tigard Comprehensive Plan policies can be met. He said they certainly can provide findings for them. The key thing is – is this the right site for more intense urban development and will it be compatible? The answer is – it's not appropriate for higher density development and it won't be compatible. Lastly, with regard to Metro Functional Plan Title One, that essentially says that it doesn't prohibit down-zonings – but it says that you can downzone only if you have a quote “negligible effect” – neither Mr. Harper's letter from Metro, nor the staff report tells us what the zone capacity is. We tried to take a crack at that in our May 14th letter and if you look at what the city found to be their remaining residential development capacity in 1996, even if you assume that there's 100 unit differential between R-12 and R-7, that's 1.5% of the available residential units some 20 years ago. The fact that you've had more development potential occur in the last 20 years because you've been annexing brown – River Terrace for example – so I think you can find that, in fact, there is a negligible effect. That's all the Metro policy code requires – it doesn't prohibit down-zoning – it simply says the decision maker has to find a negligible effect and I think that's the case here. We have the greatest respect for your staff but in this case we think that the recommendation is incorrect and that you should approve this; we hope you do.

QUESTIONS

I keep hearing that it doesn't quite fit with the community and the neighborhood in that area. I see to the southeast that R-12 is actually zoned – so for me to keep hearing that it doesn't fit in – I feel like it visually fits in – I'm not sure about the layout of the site... is it because you think an R-7 zoning is the type of home that would be more marketable in that situation – rather than an R-12?

Ms. Doukas answered – Obviously marketing does factor into it. But also, we would have to face the neighborhood and try to get approvals for a higher density project - and that's not a pleasant thought. What's important to remember is that (and I mentioned this in my presentation) land over to the SE was not developed to minimum density standards – so it does look compatible because those lot sizes are closer to what you see in an R-7 zone. We would be looking at lot sizes that are half the width of the existing lots to the north and the west and even worse, to the south. The lots to the south are quite large. So it's about housing type but it's also about lot size and the intensity of that use. It's intensity of traffic, noise, activity – and in certain urban areas that's completely appropriate – but in this case, an established neighborhood like this, it's going to be an anomaly.

Mr. Robinson added that there's nothing similar to this zoning west of Hall Blvd. The only support for anything even remotely close to R-12 is to the SE but it was developed at R-7 densities, not R-12. Another point is that even if we could do small lot, single family development, if you looked at how those lots back up to the adjacent lots, you almost always have two new lots backing up onto one lot.

Some **questions were asked about blended densities** & how the previous application – (Polygon's) River Terrace had managed to do it.

Kelly Ritz - Venture Properties – addressed the question regarding blended densities and River Terrace. She said that the smaller the scale of the site and the more constrained by existing conditions, the more challenging it is. So when looking at River Terrace she thought it was interesting how they did it. They had the highest density up against the road and then got less dense as you went. Where there was existing homes – they went less dense. Where that's a challenge with this site is two-fold – 1) it's only nine acres – almost 10 acres. The site approved for River Terrace was over 200 lots – a much bigger area so in a much larger area you can have different housing types and they seem to work better. The smaller the area of a development, the more difficult it is to blend the housing types. And 2) if you look at our site, it's bordered on three sides by low density. River Terrace was only bordered on one side by the existing lower density. So it was easier to address that.

TESTIMONY IN FAVOR

Frank Medeiros 9013 SW Pippen Lane, Tigard 97224 – lives one block east of the property in question. He urged the commission to approve the rezone. His primary concerns were the nature of the neighborhood and potential effect this would have on traffic – and particularly the livability of the neighborhood, congestion, and public safety – especially safety for the children.

Ellen Schell 8625 SW Braeburn Lane, Tigard 97224 - is concerned her property value (Applewood neighborhood) will decrease with all the new traffic. She's concerned about the traffic and noise as well as the safety of the children. She is happy with the Heritage Crossing Subdivision because she believes it's as good as they can hope for in an adjacent neighborhood. An R-12 would make it considerably more crowded on the neighborhood streets as well as Sattler Street. She does not want a high density area; doesn't want tragedy with a child being hit by a car.

Sharon Mead 15320 SW Empire Terrace, Tigard 97224 – is an Applewood Park resident and is on the Board of Directors for the Homeowners Association. She believes a rezone from R-12 to R-7 would be consistent with the other neighborhoods. She's concerned about traffic going through Applewood Park. Bus line runs along Hall – has never seen a plethora of people waiting for a bus. The busses take a long time to come.

Barbara Cumbo 8888 SW Bellflower Street, Tigard 97224 – lives in Applewood Park community. They've lived in Tigard for 7 ½ years – having moved from Queens, New York City. They lived in a high density area in Queens and moved to Tigard because it had a small town feel. They wanted a walkable area – like Applewood Park. She's concerned about consistency of the neighborhoods, traffic, and infill. She wants to change the zoning from R-12 to R-7.

Mike Petersen – 14145 SW 97th Place, Tigard 97224 – has a rental house in the Applewood area. He's concerned about the traffic for future renter's children. Likes the Heritage plan – thinks it's a good solution.

Craig Smelter – 14900 SW 103rd Ave., Tigard 97224 - knows the area well. He's astonished the zoning is R-12 and is in favor of the proposed zone change. He thinks it's compatible with the three surrounding sites in the area. He looks forward to the connectivity of the streets completing the project in that area will provide for walking the neighborhood.

Matt Hughart – 8817 SW Greening Lane, Tigard 97224 – President of Applewood Park’s HOA. On behalf of the rest of the board members, they agree that this application is compatible and is the best use of that site – they fully support it.

Anthony Yi 8967 SW Greening Lane, Tigard 97224 - believes higher density causes more traffic. His concerns are about traffic, safety, and a sense of community that he hopes will be maintained. He supports the current application.

TESTIMONY IN OPPOSITION – None.

APPLICANT REBUTTAL

Attorney Mike Robinson made two points:

- He appreciates that people who live in the area had come out to testify in support of the application. He believes they’ve pretty clearly stated that the R-7 makes a lot more sense to them and is more consistent with their neighborhood than the R-12.
- With regard to Polygon: This is not a site like River Terrace and is not the same. If this had been planned like River Terrace, you wouldn’t see this. You would have seen a conceptual plan that transitioned to a detailed development plan but you wouldn’t have a solid R-12 area surrounded by an entirely different use. There would be more consistency – some other kind of compatible use adjacent to this. This is not a site that had the benefit of River Terrace like planning and you can see the result of that. You have R-12 plopped down in the middle of R-7. Many demands in the R-12 zone that are going to be difficult to achieve. The reality is it’s very difficult to take an infill site like this and come up with something that works not only for what the city wants to see but what the market wants to see. You can’t disregard what makes sense for the market because if you do you end up with unsuccessful development. R-7 gives good successful residential neighborhoods, R-12 does not. We hope you’ll approve this application.

STAFF COMMENTS

Tom McGuire, Assistant Community Development Director, reminded the commission that the focus is on the approval criteria before them. It’s the applicant’s burden to make the case that they meet that approval criteria. He reminded them that they’re not looking at a change in density. Both of the zones are the same Comp Plan designation – that’s a medium density designation; this is not about high density. He also addressed the compatibility issue – there are many ways this site can be designed under the R-12. Compatibility is in many ways a function of that design. That property could be designed under the R-12 in a way that could be compatible with the neighborhood and allow for the housing that’s allowed under R-12. Focus on whether they’re meeting the approved criteria for housing type.

John Floyd – pulled up some slides of homes from recent developments in the past 10 years that were built in the R-12 zone (**Exhibit E**).

Regarding traffic impacts and access to Hall Blvd. – ODOT has reviewed the application – they are comfortable with direct access onto Hall Blvd. There are some final design issues that would need to be worked out – that would be reviewed as part of implementation by the development. Many of the traffic impacts in the area are a result of cut-through traffic occurring because of congestion at the high school. The crosswalk on Durham Blvd causes a lot of congestion. Traffic backs up so people cut through this neighborhood to get to Sattler. So a lot of the congestion is a result of traffic occurring out of the neighborhoods – pass through traffic. Any future

development here would have direct access onto Hall Blvd so it would not all be funneling entirely through the existing neighborhoods.

Mr. Floyd also addressed Ms. Doukas' assertion that the Sattler subdivision zone change was approved based on a mistake. That was one of three basis for that zone change. In that decision staff assumed there was a mistake because they could not find evidence in the record by a certain date. So that was an assumption of a mistake. The Planning Commission chose to go with that in that regards but I want to make that clarification. Also the road capacity of Sattler had been increased since 1983. Also by blending the density they actually increased density in that area. That zone change actually increased the number of units in the area.

Regarding the TriMet issue – TriMet's budget does go up and down but they've demonstrated they have a clear and long term commitment to this area. Right now this site is empty so that this particular bus stop does not have a lot of individuals there presently. Ridership and densities go hand in hand. Maintaining the current density levels for R-12 would do more to promote transit enhancements in the area rather than reduce them.

Mr. Floyd addressed several additional policies that had not been addressed by the applicant.

If we don't maintain the current density levels along the existing transit routes we have to put that elsewhere in the city and that may not be easy to achieve. Also – on page three of the development standards comparison, going back to the compatibility issue – I understand people's concerns about something potentially different coming. I don't think what's allowed under R-12 is that different than what's allowed under R-7. If you look at this comparison you'll see similar front yard setbacks. I think the primary differences here are a matter of minimum lot size and the current standards account for that by requiring the 30 foot setback around the perimeter. The differences are not as great as they may seem.

QUESTIONS

Can you speak to the comment made about the property that was zoned R-12 but looks like it was built out to R-7 standards? (Northeast - at Hall and Durham). The site immediately across the street from the project site in the R-12 zone was built to R-7 standards but that was prior to our medium density requirements – that would be prior to 1996. The last few years however where infill area occurs, it's R-12.

APPLICANT REBUTTAL

Mike Robinson – said that not all policies in the staff report are relevant to this decision. Some are more general policies that don't apply to quasi-judicial map amendments such as this. The important policies – the compatibility policies, the corridor policies, the where intense urban development should go policies – you've heard people talk about that tonight and I think you can find that their testimony is relevant. The photos shown are not sensitive, nor are they complementary to this existing residential neighborhood. And that's what your plan policies call for. I think what John showed us are perfectly appropriate in the right context, but we don't know anything about what's going on around them. We don't know whether it's a new area or an infill development. All those things make a difference. I would note that the folks who've testified tonight would tell you that one-car garages with no front yards are not sensitive and complementary to the existing development around them. The photos make a point about what's doable but what's more important is – where are they located. This site doesn't have anything

that suggests that that kind of development is appropriate nor that it's occurred here. This is many times more difficult than River Terrace because you're dealing with a vacant site that has surrounding properties and notwithstanding that the zoning's been there – it doesn't match what's there today.

Mr. Robinson reiterated that TriMet is always constrained by funding and, notwithstanding that, they may be looking at service enhancements for this corridor and may achieve them. It's difficult to hinge a planning program on availability of bus transit because you just don't know what it's going to be like in five years. It ebbs and flows outside of the central city and it has a lot to do with funding. Even without the site's development or without it being R-12 that service frequency will still get increase perhaps, and it might stay for awhile. It has nothing to do with developing this site for R-12.

Ms. Doukas responded regarding the R-12 design versus R-7. Yes – you can design the site to be R-12. If this application gets turned down, we're going to go back to the drawing board and figure something out but I will tell you that it's going to be very awkward. Staff acknowledged that there are variances involved in the applications that you saw earlier. The code is not set up for it. It's very challenging; it's awkward, forced, and not necessary in this case. You've got plan policies that say you need to look at this in the right way - you don't have to be beholden to the transit conversation. Residential development does not build transit by itself. It builds it in context of a mixture of services and a mixture of community design. This doesn't have it so therefore we're just going to be awkwardly trying to work through the design struggles of different types of development against an existing residential neighborhood that was built in a special way - with very shallow, wide lots. We'd make it work... but it's not a good decision.

PUBLIC HEARING – CLOSED

No further testimony or questions from the audience are allowed.

DELIBERATION

Commissioner Fitzgerald: I think it would be great to make it R-7 but I don't believe the applicant has met the criteria. I almost wish they could go back to the drawing board and find a different angle to approach getting the R-7 approved. But what I see before me is not convincing me enough that they meet all three of these requirements. I don't want to say that to you but that's where I'm at. I have these rules we have to follow – I think there probably could be a better argument made for the R-7 - what that argument is – I couldn't give guidance to but I think focusing on some of the language that has been focused on hasn't been convincing enough to me. I'd be interested in seeing what the community would say to what an R-12 would be – what would that look like? We're all going to react to a property development next to us that's more than what we have on our property. I would. We don't want to see more traffic – but we're a growing community and it's going to happen.

Commissioner Enloe: Since Metro does give us density requirements to follow and this lot being an R-12 and being next to one of the very few transit lines Tigard has, makes it in my mind, a hard case to make a change in the zoning because we have to make up the density somewhere and there's not very many places with a transit line that we would be able to make that up.

Don Schmidt: I live in the area – I live in the R-12 zone on Bond Street and we're going through growing pains. I live across the street from Gage Forest and it was built to the R-12

standards. They are very narrow lots, very close together. The community that has developed there I see as a great neighborhood. I think we have goals and we've had standards to meet those goals and it's hard to revert away from that and changing the zoning from R-12 to R-7. I don't know what an R-7 or R-12 neighborhood would look like on this site. I think it's probably doable. I think if the application was formed in a different way it might be more approvable to zone it down but the standard still exists. I can't see supporting the zone change. I would rather the neighborhood that goes in there look like what's around it on three sides. That's what I have a problem with – but I don't have the evidence to support the change.

Commissioner Feeney: The R-7 surrounding this – it does feel like it wants to be an R-7 – it really does. I totally agree that the neighbors want it to be very similar – I'd be in the same point as well. And it is a small space comparatively – to try to squeeze some higher density – but it is zoned R-12 and we have those criteria to meet. We've seen some ultimate design showing apartment complexes – I don't want to see that on the site. Is there a blend? I don't know. Can they meet that density? Maybe – but we haven't seen it. Just going R-7 which looks great to worst case scenario – showing an apartment, there might be something in the middle – and if we had something there, maybe it could go the other way. I'm definitely on the fence right now.

Commissioner Middaugh drove out to the site – agrees that it looks like R7 would be more compatible – but there are other areas on Hall that have the higher density apartment complexes, the attached homes. It also makes sense that it would be R-12 as well. He thinks when it was originally zoned in 1983, there was some forward thinking. He thinks they need to take that into consideration.

Commissioner Lieuellen: When I see the neighbors here very concerned about traffic and the safety for kids and this kind of thing and boy am I right on that. Sometimes this ideal that we have in Tigard that all of our roads need to connect, personally I'm not on board with that in every situation and if we could have walk-ability here but not necessarily connect the roads, I think we could be taking care of two thirds of the neighbors' concerns so far as increased traffic; however, that's not what's before me. So we have to deal with what's there.

President Rogers: I live on the north side of Summerlake and we've got nice big lots and we're going through an apartment complex that's coming in and... trust me – all the pitchforks and torches and all that stuff has come out – and they all know I'm a Planning Commissioner... which is great... so... And I was also president of the Homeowners Association and I can tell you it's a tough thing but the thing I go back to is - the original zoning for the thing was in 1983 and the same thing applies to the piece of land that's being developed in my neighborhood at that point. And where was everybody at that point – when you knew that it was coming down the pike at some point. So I knew it was going to be an R-12 at some point. I love the public turnout here – I think it's fantastic. From the HOA holding public meetings and putting out letters of support, to the neighbors coming out and rallying the cause... but it doesn't change what we do ultimately. I think we are bound by certain rules – I hate that it doesn't blend perfectly with the existing neighborhood – but Tigard's evolving. I drive down Hall – I drive down Greenburg and I see these little pocket neighborhoods that don't fit in with the existing neighborhood - part of that is just change. I'm a public safety guy – so I'm sensitive to the traffic and safety needs – I get that. But when I look at the three things that we're asked to weigh – there's not a compelling argument there. We're stuck and it's not going to be a popular decision. So that's where we're at. Do I have a motion at hand?

MOTION

Commissioner Fitzgerald made the following motion: **“I move denial of application ZON2015-00002; SUB2015-00001; VAR2015-00001 and adoption of the findings in support of denial contained in the staff report.”**

Commissioner Schmidt seconded the motion.

A vote was taken.

In Favor: Commissioners Rogers, Fitzgerald, Lieuallen, Middaugh, & Schmidt

Opposed: Commissioner Feeney

MOTION TO DENY PASSES 5-1

OTHER BUSINESS – Tom McGuire talked to the commissioners about the upcoming schedule and the fact that the joint meeting with Council had been moved to August.

ADJOURNMENT

President Rogers adjourned the meeting at 9:45 p.m.

Doreen Laughlin, Planning Commission Secretary

ATTEST: President Jason Rogers